

REMARKS

Claims 1-22 are pending in this application and are subject to a restriction requirement, as discussed in detail below.

THE RESTRICTION REQUIREMENT

The Examiner has required restriction under 35 U.S.C. §121 and 372, as follows:

- Group I: Claims 1-21, drawn to a method for detecting molecules by means of a metal compound in the presence of at least one bifunctional agent; and
- Group II: Claims 22, drawn to a kit for detecting molecules.

The basis of the requirement asserted by the Examiner is that Groups I and II do not related to a single general inventive concept under PCT Rule 13.1, because as required by PCT Rule 13.2, the claims lack the same or corresponding special technical feature. The reasons cited by the Examiner in support of this allegation are that the invention as claimed in claim 1 does not define a special technical feature distinguishing it from the prior art. Specifically, the Examiner states that the technical feature that links Groups I and II is the bifunctional agent, which is known in the art as disclosed by Kunz et al. in U.S. Patent No. 6,171,347.

ELECTION

Applicants elect, with traverse, Group I, claims 1-21, drawn to a method for detecting molecules by means of a metal compound in the presence of at least one bifunctional agent. The encompassed claims are 1-21. Applicants, however, request that Groups I and II be examined together in this application, for the reasons stated below.

TRAVERSE

Applicants respectfully traverse this requirement.

First, the restriction requirement is traversed because it omits “an appropriate explanation” as to the existence of a “serious burden” if the restriction were not required. See MPEP 803. Regardless of any differences which may exist between the inventions set forth in the different groups, a complete and thorough search for the invention set forth in any one of the groups would require searching the art areas appropriate to the other group. Since a search of each the inventions would be coextensive, it would not be a serious burden upon the Examiner to examine all of the claims in this application.

Further at the Examiner's disposal are powerful electronic search engines providing the Examiner with the ability to quickly and easily search all of the claims. Moreover, given the overlapping subject matter, examination of the claims in this application would not pose a serious burden, because the searches would be coextensive in that a search of any one of the invention Groups I-II would require searching the prior art areas appropriate to the other invention Groups.

As such, Applicants respectfully request that the Examiner reconsider the requirement and examine all claims pending in the application.

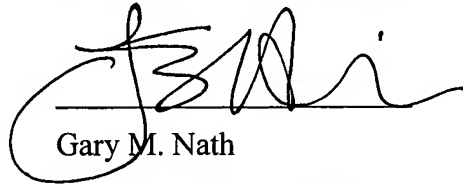
CONCLUSION

In view of the foregoing, Applicants respectfully request the Examiner to examine all pending claims.

The Examiner is welcomed to contact the undersigned attorney at the below-listed number and address with any questions or comments regarding this matter.

Respectfully submitted,

THE NATH LAW GROUP

A handwritten signature in black ink, appearing to read 'G. Nath', is written over a horizontal line. The signature is stylized with a large, looping initial 'G'.

Gary M. Nath

Registration No. 26,965

Tanya E. Harkins

Registration No. 52,993

Customer No. 20529

Date: April 14, 2008

THE NATH LAW GROUP

112 S. West Street

Alexandria, VA 22314

(703) 548-6284